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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,331	06/08/2000	Iain J. Slater	P/62128	9951
156	7590	06/13/2005	EXAMINER	
KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C. 489 FIFTH AVENUE NEW YORK, NY 10017			JAIN, RAJ K	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/590,331	Applicant(s) SLATER, IAIN J.	
	Examiner Raj K. Jain	Art Unit 2664	<input checked="" type="checkbox"/>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by
Takeguchi et al (US006567422B1).

Regarding claims 9 & 12, Takeguchi discloses a communications system comprising;

a) a plurality of interconnected network elements (NE), in which each NE comprises one or more ports, each port for inputting from an adjacent one of the plurality of NEs a synchronization signal and a quality level indication (QLI) for indicating the quality of the source of the synchronization signal (abstract, Figs1, 2, 14 & 15);

b) each port for outputting to the adjacent NE a selected one of the input synchronization signals and a QLI (see Fig. 1, col 2 lines 45-50, each NE supplies the clock and synchronization signals to its adjacent NE.);

c) each NE is associated with a unique NE identifier (claim 2);

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d) each port of each NE is associated with a source identifier (SID) for identifying the port at which each synchronization signal is input (see Fig. 8, col 8 lines 4-33, the SID is associated with a clock source which is sent to its neighboring NE.);

e) each port of each NE comprises QLI means for setting the value of the QLI output at that port based on a comparison of the SID of that port with the SID of the selected synchronization signal input port (claim 4);

f) the SID of each port comprises the NE identifier of the adjacent NE (see Fig. 8, col 8 lines 4-33 and claim 2.).

g) a central management means comprising means for setting the SID of each port of each NE to the appropriate NE identifier value (see Fig 11; col 9 lines 39-65, a network management station collects the clock signals and performs necessary tasks to maintain the synchronization operation of the whole network.).

Regarding claim(s) 10 & 13, Takeguchi discloses each NE comprises sending means for sending its own NE identifier to each NE to which it is directly connected (Figs 3 & 7, col 5 L14-35).

Regarding claim(s) 11 & 14, Takeguchi discloses sending of NE identifier again based on ring failure (Fig 1).

Response to Arguments

Applicant's arguments filed September 22, 2004 have been fully considered but they are not persuasive.

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With respect to claims 1 and 12, Applicant contends here in part "...in Takeguchi source identifiers are transmitted between the nodes of the synchronous communications network. The inventor of the present invention has removed the need for exchanging these source identifiers between nodes." Applicant further states in part "Unlike the prior art, the selection is based on identifiers obtained from the ports at which the various synchronization signals are input to that node. These port-based identifiers comprise the node identifiers of the adjacent node from which the synchronization signal came. Unlike the prior art, these port-based identifiers are supplied to each node by a central management system." Yet, applicant has the same limitation in part (g) which states "a central management means comprising means for setting the SID of each port of each NE to the appropriate NE identifier value. This and all previous (a-f) limitations are clearly addressed within Takeguchi (in reference (g) see Fig 11; col 9 lines 39-65, a network management station collects the clock signals and performs necessary tasks to maintain the synchronization operation of the whole network.).

Applicant's arguments are vague and ambiguous with respect to the claimed invention. Takeguchi clearly identifies all the limitations of the claimed invention as addressed above, applicant further goes on to state as follows "While the arrangement of Takeguchi could work well in a single-vendor network, trying to apply this to a multi-vendor network would require significant additional effort in translating the identifiers". No conclusive evidence to the same is provided??

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Since Takeguchi clearly identifies all the current independent limitations, therefore claims 9 and 12 remain rejected, furthermore, claims 10, 11, 13, 14 dependent directly or indirectly from one or more of the above independent claims also properly rejected under present reference, therefore also stand rejected.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 571-272-3145. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone numbers

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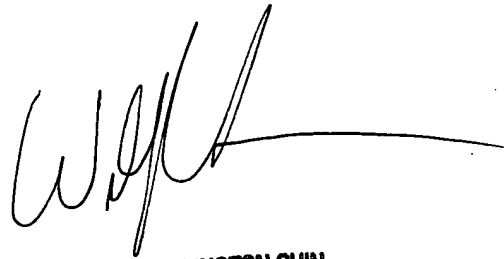
for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



RJ

June 2, 2005



WELLINGTON CHIN
PERVISORY PATENT EXAMINER